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Blackpool Council

19 October 2015

To: Councillors Cox, Hutton, Owen, Robertson BEM, Ryan, Singleton and L Taylor

The above members are requested to attend the:

PUBLIC PROTECTION SUB-COMMITTEE

Tuesday, 27 October 2015 at 6.30 pm (or on the rising of the Licensing Committee meeting whichever is latest)
in Committee Room A, Town Hall, Blackpool, FY1 1AD

A G E N D A

ADMISSION OF THE PUBLIC TO COMMITTEE MEETINGS

The Head of Democratic Governance has marked with an asterisk (*) those items where the Committee may need to consider whether the public should be excluded from the meeting as the items are likely to disclose exempt information.

The nature of the exempt information is shown in brackets after the item.

1 DECLARATIONS OF INTEREST

Members are asked to declare any interests in the items under consideration and in doing so state:

(1) the type of interest concerned; and

(2) the nature of the interest concerned

If any member requires advice on declarations of interests, they are advised to contact the Head of Democratic Governance in advance of the meeting.

2 MINUTES OF THE MEETING HELD ON 29TH SEPTEMBER 2015

(Pages 1 - 6)

To agree the minutes of the last meeting held on 29th September 2015 as a true and correct record.

* **3 PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS LICENCES**

(Pages 7 - 36)

(This item contains personal information regarding applicants and licence holders which is exempt from publication by virtue of Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972)

4 DATE OF NEXT MEETING

To note the date of the next meeting as Tuesday 24th November 2015.

Venue information:

First floor meeting room (lift available), accessible toilets (ground floor), no-smoking building.

Other information:

For queries regarding this agenda please contact Chris Williams, Senior Democratic Services Advisor, Tel: 01253 477153, e-mail: chris.williams@blackpool.gov.uk

Copies of agendas and minutes of Council and committee meetings are available on the Council's website at www.blackpool.gov.uk.

Public Document Pack Agenda Item 2
MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 29
SEPTEMBER 2015

Present:

Councillor Hutton (in the Chair)

Councillors

Cox Owen L Taylor
Ryan

In Attendance:

Sharon Davies, Head of Licensing Service
Lennox Beattie, Executive and Regulatory Support Manager
Chris Williams, Democratic Services Adviser

Apologies:

No apologies were received.

1 DECLARATIONS OF INTEREST

There were no declarations of interest on this occasion.

2 MINUTES OF THE MEETING HELD ON 1ST SEPTEMBER 2015

Resolved: That the minutes of the meeting held on 1st September 2015 be signed by the Chairman as a correct.

3 HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS LICENCE APPLICATION PROCESS

Mrs Davies outlined the recommendations contained within the report. She advised that they related to a proposal to include Child Sexual Exploitation training for licensed drivers as part of the existing test process and a separate proposal related to the Deregulation Act 2015 and suggested changes to the licensed driver application process to align it with Disclosure and Barring Service checks.

The Sub-Committee was advised that there had been a national focus on Child Sexual Exploitation in recent years with a number of high profile failures highlighted in various local authorities that included Rotherham and Oxford. Mrs Davies reported that licensed drivers, by virtue of their regular contact with the public, could play a role in helping to identify possible abusers and those vulnerable people most at risk from abuse.

The Sub-Committee noted that training in relation to Child Sexual Exploitation had already been included as part of the application process for licensed drivers in other local authority areas. The recommendation for Blackpool was that all Hackney Carriage/Private Hire Drivers Licence applicants should undertake safeguarding training before a licence could be granted and for this training to be delivered as part of the existing knowledge test. Mrs Davies advised that in practical terms this would mean applicants would be

**MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 29
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expected to observe a thirty minute presentation on Child Sexual Exploitation and then complete a short test to assess their retention of the information contained within the presentation. Members noted that the test would not result in a pass or fail, though a low score or a refusal to engage with the subject matter would call into question whether the applicant was a fit and proper person to be licensed.

In relation to the latter recommendation, the Sub-Committee was advised that as a result of the Deregulation Act 2015, a number of authorities had experienced administrative problems associated with changes to the terms that drivers could be licensed and the additional complexities of trying to align licence applications with Disclosure and Barring Service checks. The recommendation was to confirm that the provisions of the Deregulation Act 2015 dealing with length of Hackney Carriage/Private Hire Drivers Licenses would be phased in to ensure that the licence renewal date would fall at the same time that the Disclosure and Barring Service check would be due.

The Sub-Committee considered the need to increase measures designed to reduce the number of cases of Child Sexual Exploitation and reasoned that the additional requirements and costs associated with the suggested changes to the existing application process were minimal and the potential benefits far outweighed such concerns.

In relation to the changes recommended following the Deregulation Act 2015, the Sub-Committee considered the impact on licensed drivers and rationalised that the licence application process would be simplified by the changes and unnecessary delays and additional paperwork could be avoided.

Resolved:

1. That the requirement for applicants for a new Hackney Carriage/Private Hire Drivers Licence to undertake safeguarding training before becoming licensed would be implemented and the training would be delivered as part of the existing knowledge test.
2. To confirm that the provisions of the Deregulation Act 2015 dealing with length of Hackney Carriage/Private Hire Drivers Licenses would be phased in to ensure that the licence renewal date was the same as the Disclosure and Barring Service check due date.

4 HORSE-DRAWN HACKNEY CARRIAGE DRIVERS LICENCE

The Sub-Committee was informed of an application from an existing Horse-Drawn Hackney Carriage driver that had given sufficient cause for concern as to be referred to the Sub-Committee for consideration.

Members discussed the referral as follows:

- i. DP – Existing Horse-Drawn Hackney Carriage Driver

Mr Marshall, Licensing Health and Safety Enforcement Manager, and Ms Vicki Cartmell, Higher Court Advocate, who were in attendance during consideration of the case presented it on behalf of the Authority. Mr Ratcliffe, Licensing Officer, was also in attendance.

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DP was in attendance at the meeting with legal representation from Ms Cath Johnson and Mr John Blott, Solicitors, Fylde Law.

Mr Blott reported that a separate case that involved DP had been brought at the Criminal Court and requested that the hearing be adjourned pending the outcome of those criminal proceedings.

Ms Cartmell reminded the Sub-Committee that the case had previously been deferred and asked for the case not to be adjourned.

The Sub-Committee considered that the case had already been deferred previously and was separate from the criminal proceedings.

Resolved: The Sub-Committee agreed not to adjourn the case pending the outcome of the separate Criminal Court case.

Councillor Cox arrived at the meeting at this point and was present for all subsequent discussions.

Mr Marshall presented the Authority's case and outlined the details of an incident that had resulted in the driver being brought before the Sub-Committee.

Mr Blott questioned the wording of Council bye-law 13 and suggested that it was perhaps misleading and that the driver had misinterpreted the guidance outlined within the text. He further advocated that the approach adopted by enforcement officers of the Council in relation to stopping drivers deemed to be carrying an excessive number of passengers seemed to be inconsistent, which had further confused the driver. DP apologised if he had been in the wrong and advised the Sub-Committee that he had an exemplary record as a licensed driver with many years of experience.

In relation to the drivers conduct, the Sub-Committee reasoned that the driver had breached the relevant bye-law but noted he had accepted full responsibility for the incident. This, combined with his incident free previous track record as a licensed driver were balanced with the Sub-Committee's concerns about the safety of passengers travelling in Horse-Drawn Hackney Carriages.

The Sub-Committee agreed that some sort of clarification needed to be provided by the Licensing Department to Horse Drawn Hackney Carriage drivers that explained that six persons, a driver and where necessary, a groomsman would be the maximum number of occupants permitted for carriage.

Resolved:

1. That no further action be taken against the driver in relation to the incident.
2. Guidance to be issued to all Horse-Drawn Hackney Carriage drivers in the Local Authority area in the form of a letter that would detail that a maximum of six persons plus a driver and if necessary, a groomsman could be carried in a Horse Drawn Hackney Carriage.

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5 HACKNEY CARRIAGE DRIVERS LICENCE

The Sub-Committee was informed of a Hackney Carriage driver application that had given sufficient cause for concern as to be referred to the Sub-Committee for consideration.

Members discussed the application as follows:

i. SMB – New Hackney Carriage Driver’s Licence Application

Mr Ratcliffe, Licensing Officer, presented the case on behalf of the Authority.

SMB was in attendance and provided representations to the Sub-Committee.

The Sub-Committee was informed that in addition to a violent offence and a serious driving offence, which had been declared on the application form, a Disclosure and Barring Service check had revealed that the applicant had received additional convictions, which had not been declared on the application to be licensed.

SMB advised the Sub-Committee that in relation to the violent offence, in her opinion, it had been an act of self-defence. She added that with regards to the serious driving offence, the situation had caused her to panic and she had made a poor decision. According to the driver, she had not declared the additional offences uncovered in the Disclosure and Barring Service checks because she had been confused as to what information had been required on the application form.

The Sub-Committee considered the case and accepted that the driver had been confused during completion of the application to be licensed. However, Members reasoned that the recency of the serious driving offence and the non-disclosure of additional convictions called into question the driver’s suitability to be licensed.

Resolved:

1. That the application for a Hackney Carriage Driver’s Licence be refused on the grounds that the applicant was not a fit and proper person due to the nature of her previous convictions.
2. To not launch criminal proceedings against the driver for failure to declare additional convictions on the application to be licensed.

6 DATE OF NEXT MEETING

Members noted the date of the next meeting would be Tuesday 27th October 2015.

**MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 29
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Chairman

(The meeting ended 7.25 pm)

Any queries regarding these minutes, please contact:
Chris Williams Democratic Services Advisor
Tel: 01253 477153
E-mail: bernadette.jarvis@blackpool.gov.uk

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Report to:	PUBLIC PROTECTION SUB-COMMITTEE
Relevant Officer:	Sharon Davies, Head of Licensing Service
Date of Meeting	27 th October 2015

PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS LICENCES

1.0 Purpose of the report:

- 1.1 To consider an applicant and licence holders who have been convicted of offences or who have otherwise given reasons for concern.

2.0 Recommendation(s):

- 2.1 The Sub-Committee will be requested to determine the application and referrals as appropriate.

3.0 Reasons for recommendation(s):

- 3.1 Licensed drivers can be responsible for transporting vulnerable passengers. It is important for the protection of the public that only fit and proper persons are licensed.

- 3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

- 3.2b Is the recommendation in accordance with the Council's approved budget? Yes

- 3.3 Other alternative options to be considered:

None, as the Sub-Committee is required to determine the applications.

4.0 Council Priority:

- 4.1 The relevant Council Priority is "Safeguard and protect the most vulnerable"

5.0 Background Information

- 5.1 The Sub-Committee is asked to determine whether or not the applicant and licence holders are fit and proper persons to hold a Hackney Carriage driver's licence and a

Private Hire and Hackney Carriage vehicle driver's licences , in respect of the following cases:

C.B.B (New), C.J.B (Existing), A.C.N (Existing), D.R.H (Existing), C.B (Existing)

5.2 Details of offences or matters causing concern and any supporting documents are attached at Appendix 3(a).

5.3 Does the information submitted include any exempt information? Yes

List of Appendices:

Appendix 3(a) Details of cases (not for publication)

6.0 Legal considerations:

6.1 The Sub-Committee must be satisfied that the applicant and licence holder are fit and proper persons to be licensed.

6.2 There is the right of appeal to the Magistrates' Court.

7.0 Human Resources considerations:

7.1 None

8.0 Equalities considerations:

8.1 None

9.0 Financial considerations:

9.1 None

10.0 Risk management considerations:

10.1 None

11.0 Ethical considerations:

11.1 None

12.0 Internal/ External Consultation undertaken:

12.1 None

13.0 Background papers:

13.1 None

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